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January 28, 2015

VIA E-FILING

Hon. Randolph F. Treece
United States District Court
Northern District of New York
Federal Building and U.S. Courthouse
P.O. Box 7336
Syracuse, New York, 13261

**Re: Constitution Pipeline Company, LLC v. Barbara Elmore, et al.
Civil Action No. 3:14-cv-02046 (NAM/RFT)**

Dear Judge Treece,

I am writing on behalf of Plaintiff Constitution Pipeline Company, LLC (“Constitution”) to respectfully request that Defendant Chevron U.S.A. Inc. (“Chevron”) be dismissed with prejudice from the above-referenced condemnation action. Chevron was named as a defendant because Constitution believed it had a leasehold interest in the Property on which Constitution was seeking to condemn the Rights of Way (the same definitions for the “Property” and the “Rights of Way” used in the Verified Complaint filed in the above-referenced condemnation action on December 18, 2014 are used here).

Emily Pipkin Blackwell, in-house counsel for Chevron, has since confirmed that Chevron does not have any interest in the Property on which Constitution seeks to condemn the Rights of Way. Accordingly, it is not necessary for Constitution to condemn Chevron’s interest in the Property.

Federal Rule of Civil Procedure 71.1(i)(2) provides: “The court may at any time dismiss a defendant who was unnecessarily or improperly joined.” Chevron was unnecessarily joined because it does not have any interest in the Property. For this reason, Constitution respectfully requests that Chevron be dismissed with prejudice from the above-captioned action pursuant to Rule 71.1(i)(2). Ms. Blackwell has confirmed that Chevron has no objection to this request.

If this request meets with the Court’s approval, I have included a “so-ordered” line for execution by the Court.

January 28, 2015

Page 2

I thank the Court for its consideration.

Respectfully submitted,


Elizabeth U. Witmer

SO ORDERED:

Hon. Randolph F. Treece

cc: Emily Pipkin Blackwell, Esq. (via email)
Sean T. O'Neill (via ECF)
John P. Stockli, Jr., Esq. (via ECF)
Yvonne E. Hennessey, Esq. (via ECF)
Carol Malz, Esq. (via ECF)